01-1303

1645

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Case No. 00-789-A)

In the Application of:

William Brian Busa

Serial No. 09/965,876

Filed: September 28, 2001

For: Method and Reagents for Live-Cell Gene Expression Quantification

Examiner: To be assigned

Group Art Unit: 1645

Asst. Commissioner for Patents
Washington, D.C. 20231

Sir:

TRANSMITTAL LETTER

In regard to the above identified application we are transmitting herewith the attached:

1. A. Information Disclosure Statement (5 sheets);
   B. Form 1449 (8 sheets);
   C. Fifty (50) cited references;
   D. Status Inquiry (1 sheet);
   E. Postcard.

2. With respect to additional fees:

   A. X No additional fee is required
   B. ___ Attached is a check in the amount of $240.00.
   C. ___ The Petition Fee of $130.00 set forth in 37 C.F.R. § 1.17(I) is enclosed herewith.

3. Please charge any additional fees or credit overpayment to Deposit Account No. **13-2490**. A duplicate copy of this sheet is enclosed.

4. **CERTIFICATE OF MAILING BY "EXPRESS MAIL" UNDER 37 CFR § 1.10:** The undersigned hereby certifies that this Transmittal Letter and the paper, as described in paragraph 1 hereinabove, are being deposited with the United States Postal Service with sufficient postage as "Express Mail Post Office to Addressee" in an envelope addressed to: Asst. Commissioner for Patents, Washington, D.C. 20231, on this 9th day of January, **2003.** Express Mail No. **EL9042793378US.**

By: _____
David S. Harper
Registration No. 42,636

p#12

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INFORMATION DISCLOSURE STATEMENT

Commissioner of Patents
Washington, D.C. 20231

Dear Sir:

This prior art statement is filed under 37 C.F.R. §1.97-1.98 in compliance with the duty of disclosure set forth in 37 C.F.R. §1.56.

In the judgment of the undersigned, the references listed on the attached Form PTO-1449 may be material to the Examiner's consideration of the presently pending claims. However, the references have not been reviewed in sufficient detail to make any other representation and, in particular, no representation is intended as to the relative relevance between references, whether cited in this statement or prior statements. This statement is not a representation that the listed references have effective dates early enough to be "prior art" within the meaning of 35 U.S.C. §102.

1. U.S. Patent No. 6,203,986 B1, issued 3/20/01, Singer, et al.

2. U.S. Patent No. 6,110,900, issued 8/29/00, Gold, et al.

3. U.S. Patent No. 6,103,479, Issued 8/15/00, Taylor

4. U.S. Patent No. 5,985,575, issued 11/16/99, Wickens, et al.

5. U.S. Patent No. 5,989,835, Issued November 23, 1999, Dunlay, et al.,

6. PCT Application No. WO 98/38490, Published 9/3/98

7. PCT Application No. WO 90/14092, Published 5/18/90

8. Basilion, et al., "The Iron-responsive element-binding protein: Localization of the RNA-binding site to the aconitase active-site cleft," *Proc. Natl. Acad. Sci. USA*, Vol. 91, 1994, pp. 574-578.

9. Beach, et al., "Localization and anchoring of mRNA in budding yeast," Current Biology, Vol. 9, No. 11, pp. 569-578.

10. Begitt, et al, "Nucleocytoplasmic translocation of Stat1 is regulated by a leucine-rich export signal in the coiled-coiled domain," *PNAS*, Vol. 97, No. 19, 2000, pp. 10418-10423.

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12. Bertrand, et al., "Localization of ASH1 mRNA Particles in Living Yeast," *Molecular Cell*, Vol. 2, 1998, pp. 437-445.

13. Bloom, et al., "mRNA localization: motile RNA, asymmetric anchors," Current Opinion in Microbiology," Vol. 2, 1999, pp. 604-609.

14. Chattopadhyay, et al., "Bipartite function of a small RNA hairpin in transcription antitermination in bacteriophage λ, *Proc. Natl. Acad. Sci. USA*, Vol. 92, 1995, pp. 4061-4065.

15. Cheng, et al., "Transcription Termination Signals in the *nin* Region of Bacteriophage Lambda: Identification of Rho-Dependent Termination Regions," Genetics, Vol. 140, No. 3, 1995, pp. 875-887.

16. Chu, et al, "Identification of an RNA binding site for human thymidylate synthase," *Proc. Natl. Acad. Sci. USA*, Vol. 90, 1993, pp. 517-521.

17. Chu, et al., "Identification of *in vivo* target RNA sequences bound by thymidylate synthase," *Nucleic Acids Research*, Vol. 24, No. 16, 1996, pp. 3222-3228.

18. Cilley, et al., "Analysis of bacteriophage N protein and peptide binding to *box*B RNA using polyacrylamide gel coelectrophoresis," RNA, Vol. 3, No. 1, 1997, pp. 57-67.

19. Court, et al., "Structural and Functional Analyses of the Transcription-Translation Proteins NusB and NusE," Journal of Bacteriology, Vol. 177, No. 9, 1995, pp. 2589-2591.

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22. Engel, K., et al., "Leptomycin B-sensitive nuclear export of MAPKAP kinase 2 is regulated by phosphorylation," *The EMBO Journal*, 1998, Vol. 17, No. 12, pp. 3363-3371.

23. Freidman, et al., (1995), Mol. Microbiol., Vol: 18(2), pp. 191-200.

24. Fukuda, M., et al., "A Novel Regulatory Mechanism in the Mitogen-activated Protein (MAP) Kinase Cascade," *The Journal of Biological Chemistry*, 1997, Vol. 272, No. 51, pp. 32642-32648.

25. Futaki, et al., "An Abundant Source of Membrane-Permeable Peptides Having Potential As Carriers For Intracellular Protein Delivery," *The Journal of Biological Chemistry*, Vol. 276, No. 8, 2001, pp. 5836-5840.

26. Gray, N., et al., "Recombinant iron-regulatory factor functions as an iron-responsive-element-binding protein, a translational repressor and an aconitase," *Eur. J. Biochem.*, 1993, Vol. 218, pp. 657-667.

27. Griffin, B. Albert, et al., "Specific Covalent Labeling of Recombinant Protein Molecules Inside Live Cells," *Science*, 1998, Vol. 281, pp. 269-272.

28. Grynkiewicz, G., et al., "A New Generation of Ca^{2+} Indicators with Greatly Improved Fluorescence Properties," *The Journal of Biological Chemistry*, 1985, Vol. 260, No. 6, pp. 3440-3450.

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30. Jiang, et al., (1999), Structure Fold Des., Vol: 7(12), pp. 1461-1472.

31. Kostenko, et al., "5' –bis-pyrenylated oligonucleotides displaying excimer fluorescence provide sensitive probes of RNA sequence and Structure," *Nucleic Acids Research*, Vol. 29, No. 17, 2001, pp. 3611-3620.

32. Legault, P., et al., "NMR Structure of the Bacteriophage λ N Peptide/boxB RNA Complex: Recognition of a GNRA Fold by an Arginine-Rich Motif," *Cell*, 1998, Vol. 93, pp. 289-299.

33. Lindgren, et al., "Cell-penetrating peptides," *TIPS*, Vol. 21, 2000, pp. 99-103.

34. Matsumoto, et al., "A High-Throughput Screening Utilizing Intramolecular Fluorescence Resonance Energy Transfer for the Discovery of the Molecules that Bind HIV-1 TAR RNA Specifically," *Bioorganic & Medicinal Chemistry Letters*, Vol. 10, 2000, pp. 1857-1861.

35. Mowen, et al., "Regulation of STAT1 Nuclear Export by Jak1," *Molecular and Cellular Biology*, 2000, Vol. 20, No. 19, pp. 7273-7281.

36. Paris, et al., "Probing DNA sequences in solution with a monomer-excimer fluorescence color change," *Nucleic Acids Research*, Vol. 26, No. 16, 1998, pp. 3789-3793.

37. Remy, I., et al., "Erythropoietin Receptor Activation by a Ligand-Induced Conformation Change," *Science*, 1999, Vol. 283, pp. 990-993.

38. Rozinov, M., et al., "Evolution of Peptides that modulate the spectral qualities of bound, small-molecule fluorophores," *Chemistry & Biology*, 1998, Vol. 5, No. 12, pp. 713-728.

39. Sei-Iida, et al., "Real-time monitoring of in vitro transcriptional RNA synthesis using fluorescence resonance energy transfer," *Nucleic Acids Research*, Vol. 28, No. 12, 2000, pp. I-vi.

40. Sokol, et al., "Real time detection of DNA-RNA hybridization in living cells," *Proc. Natl. Acad. Sci. USA*, Vol. 95, 1998, pp. 11538-11543.

41. Stripecke, et al., "Proteins Binding to 5' Untranslated Region Sites: a General Mechanism for Translational Regulation of mRNAs in Human and Yeast Cells," *Molecular and Cellular Biology*, Vol. 14, No. 9, 1994, pp. 5898-5909.

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44. Tan, R., et al., "A novel glutamine-RNA interaction identified by screening libraries in mammalian cells," *Proc. Natl. Acad. Sci. USA*, Vol. 95, 1998, pp. 4247-4252.

45. Tsien, R.Y., et al., "Measurement of Cytosolic Free Ca^{2+} In Individual Small Cells Using Fluorescence Microscopy With Duel Excitation Wavelengths," *Cell Calcium*, 1985, Vol. 6, pp. 145-157.

46. Tsuji, et al., "Direct Observation of Specific Messenger RNA in a Single Living Cell under a Fluorescence Microscope," *Biophysical Journal*, Vol. 78, 2000, pp. 3260-3274.

47. Valegard, et al., "The Three-dimensional Structures of Two Complexes between Recombinant MS2 Capsids and RNA Operator Fragments Reveal Sequence-specific Protein-RNA Interactions," *J. Mol. Biol.*, Vol. 270, 1997, pp. 724-738.

48. Wu, P., et al., "Resonance Energy Transfer: Methods and Applications," *Analytical Biochemistry*, 1994, Vol. 218, pp. 1-13.

49. Zheng, Chao-Feng, et al., "Cloning and Characterization of Two Distinct Human Extracellular Signal-regulated Kinase Activator Kinases, MEK 1 and MEK2," *The Journal of Biological Chemistry*, 1993, Vol. 268, No. 15, pp. 11435-11439.

50. Zlokarnik, et al., "Quantitation of Transcription and Clonal Selection of Single Living Cells with β-Lactamase as Reporter," Science, Vol. 279, 1998, pp. 84-88.

In accordance with MPEP Sections 609 and 707.05(b), it is requested the document cited be given thorough consideration and that it be cited of record in the prosecution history of the present application by initialing on Form PTO-1449. Such initialing is requested even if the Examiner does not consider a cited document to be sufficiently pertinent to use in a rejection, or otherwise does not consider it to be prior art for any reason, or even if the Examiner does not believe that the guidelines for citation have been fully complied with. This is requested so that each document becomes listed on the face of the patent issuing on the present application.

Respectfully submitted,

McDonnell Boehnen
Hulbert & Berghoff
300 South Wacker Drive
Chicago, Illinois 60606
312-913-0001

Date: 1/8/03 By: _____

David S. Harper
Reg. No. 42,636

FORM PTO-1449
(Rev. 2-32)

U.S. Department of Commerce
Patent and Trademark Office

INFORMATION DISCLOSURE
STATEMENT BY APPLICANT

(Use several sheets if necessary)

Atty. Docket No.	Serial No.
00-789-A	09/965876
Applicant: Cellomics Inc.	
Filing Date: 9/28/01	Group: # 1645

U.S. PATENT DOCUMENTS

Examiner Initial		Document Number	Date	Name	Class	Subclass	Filing Date if Appropriate
	1.	6,203,986 B1	3/20/01	Singer, et al.			
	2.	6,110,900	8/29/00	Gold, et al.,			
	3.	6,103,479	8/15/00	Taylor			
	4.	5,985,575	11/16/99	Wickens, et al.			
	5.	5,989,835	11/23/99	Dunlay, etal.			

FOREIGN PATENT DOCUMENTS

		Document Number	Date	Country	Class	Subclass	Translation Yes	Translation No
	6.	WO 98/38490	9/3/98	PCT				
	7.	WO 90/14092	5/18/90	PCT				

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc).

	8.	Basilion, et al., "The Iron-responsive element-binding protein: Localization of the RNA-binding site to the aconitase active-site cleft," *Proc. Natl. Acad. Sci. USA*, Vol. 91, 1994, pp. 574-578. ✓

EXAMINER	DATE CONSIDERED

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McDONNELL BOEHNEN
HULBERT & BERGHOFF
300 SOUTH WACKER DRIVE
CHICAGO, ILLINOIS 60606
TELEPHONE (312) 913-0001

FORM PTO-1449 (Rev. 2-32)	U.S. Department of Commerce Patent and Trademark Office	Atty. Docket No. 00-789-A	Serial No. 09/965876
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	9.	Beach, et al., "Localization and anchoring of mRNA in budding yeast," Current Biology, Vol. 9, No. 11, pp. 569-578. ✓
	10.	Begitt, et al, "Nucleocytoplasmic translocation of Stat1 is regulated by a leucine-rich export signal in the coiled-coiled domain," *PNAS*, Vol. 97, No. 19, 2000, pp. 10418-10423. ✓
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